

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JAMES ALLEN CURTIS,
JUSTIN LEE CURTIS, and HALIE ANN
CURTIS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JUSTINE FONTENOT,

Respondent-Appellant.

UNPUBLISHED

August 9, 2007

No. 276628

St. Clair Circuit Court

Family Division

LC No. 05-000663-NA

Before: Smolenski, P.J., and Fitzgerald and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were proven by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). The children became court wards in January 2006, primarily due to substance abuse and housing issues. Respondent refused to acknowledge a substance abuse problem until January 2007, and had barely begun to address that issue at counseling. In addition, respondent was renting a room in a house and, although she had recently acquired a trailer, her lease limited occupancy to no more than three people. Therefore, the trial court did not err in finding clear and convincing evidence to support termination under §§ 19b(3)(c)(i) and (g). Additionally, in light of the evidence that one of the children had a serious medical condition that required constant monitoring and regular medical appointments, that respondent had neglected that condition in the past, and that respondent had not yet addressed her substance abuse problem, there was a reasonable likelihood that the child would be harmed if returned to respondent. Therefore, termination was also appropriate under § 19b(3)(j).

Further, the evidence did not clearly show that termination of respondent's parental rights was not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000). Therefore, the trial court did not err in terminating respondent's parental rights to the children. *Id.*

Affirmed.

/s/ Michael R. Smolenski

/s/ E. Thomas Fitzgerald

/s/ Kirsten Frank Kelly